REMARKS

Claims 1-21 are pending in the application. Claims 1-21 are rejected.

Claims 12-21 were rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the language 'altering the communication session' was found to be unclear. This claim has been amended to more particularly point out that the alteration involves avoidance of the conversions usually performed with regard to packet data-to-PSTN conversion. It is submitted that this amendment overcomes this rejection and withdrawal of this rejection is requested.

Claims 1-6, 9-13 and 15-21 are rejected under 35 USC 102(e) as being anticipated by Thornton (US Patent No. 6,363,065).

Thornton is directed to a voice gateway that receives data from the PSTN and then either converts it to a VoIP call, or transmits it through the PSTN. The office action states that "the gateway will route the packets through the PSTN, inherently converting the packets for transmission over the circuit switched network. See column 11, lines 1-4." However, this assumes that Thornton is receiving packet data, which is not true. The data being received at the voice gateway is PSTN data received from a T1/E1 trunk line and then either converted to packet data or left in its original form for transmission through the PSTN. See column 13, lines 35-40, and lines 58-62. Thornton discloses a PSTN-to-packet data path enabled by the voice gateway switch.

In the instant invention as claimed in clams 1, 11, 12 and 21, the data received is packet data. Without the invention as claimed, the data is converted to PSTN whether the receiving device is a PSTN device, such as a PBX, or a packet data device as a gateway. With use of the invention as claimed, the PSTN conversion is avoided and the data remains

packet data. Essentially, the systems in which this invention would be used are packet data-to-PSTN conversion systems, not the other way around as is disclosed by Thornton.

The office action also states that, "Referring to Figure 1, packets are transmitted over the PSTN after the originating IP based device has its destination IP address translated by the gateway. See column 11, lines 1-4." This is incorrect. The basis of the system disclosed in Thornton is to use a data network to transmit the call *rather than* the PSTN. If the gateway determines that the QoS of the data network is sufficient, the address translation results in packets being transmitted over the data network 30, not the PSTN 20. In the instant invention as claimed, the packet data is sent directly over the PSTN.

Specific to claims 12 and 21, the method of Thornton does not identify that at least one device participating in the session is a packet device. As the session in Thornton is between paired gateways, the assumption is that the other device is a packet device. There is no identification of a device as such necessary.

For these reasons, it is therefore submitted that claims 1, 11, 12 and 21 are patentably distinguishable over the prior art and allowance of these claims is requested.

With regard to claim 2, Thornton does not teach a gateway that receives packet data, identifies a receiving device as a packet device and then transmits the packet data across the PSTN.

With regard to claim 3, Thornton does not disclose *reception* of a packet voice stream that is then transmitted across the PSTN, Thornton discloses transmission of coded voice.

With regard to claim 4, Thornton does not disclose *reception* of packet data that is then transmitted as data across the PSTN, as discussed above.

With regard to claims 5 and 6, Thornton does not disclose a converter that converts packet data to PSTN data, as discussed above, much less that the converter is a voice code/decoder, or a modem.

With regard to claims 9 and 10, Thornton does not disclose a controller to transmit packet data received across the PSTN without conversion, much less that the controller is a processor or comprises more than one integrated circuit.

With regard to claim 13, the gateway *does not* dial out of the packet domain when it is exchanging packets. As discussed at length above, the data network in Thornton is separate from the PSTN. When the system disclosed in Thornton is exchanging packets, it is doing so in a packet network 30, not in the PSTN 20.

With regard to claims 15 and 16, the avoidance of the voice coder/decoder is not the same. In Thornton, if the gateway decides to use the PSTN, it does not change the format of the incoming signal from PSTN to packet and then back again. The incoming stream in the instant invention is packet data, such as encoded voice. In order to be transmitted across the PSTN, without identification of a device on the other side being a packet device, the voice decoder translates the voice packet data back into voice signals and transmits it across the PSTN. A modem would perform the same function. In the instant invention, the voice coder/decoder having to translate the packet data into PSTN data, as it were, is avoided.

In Figure 1 of Thornton, there is no digital-to-analog conversion necessary if the signals are to be transmitted over the PSTN. The signals are already in PSTN format.

With regard to claim 17, the information being gathered on the at least one other network device, is directed to the at least one other network device that had to be identified as a packet device. In Thornton, if the data is being transmitted across the data network, the other devices do not need to be identified as packet devices. If transmission is going out over the PSTN, there is no need to identify packet devices either, as the decision is based upon QoS, not the presence or absence of other devices.

Similarly, claim 18 is directed to using the information stored as claimed in claim 17 to assist in identification of network devices on the PSTN. This is not disclosed by Thornton.

With regard to claim 19, packets *are not transmitted over the PSTN*. If the address translation occurs, the data is transmitted across the data network. See column 13, lines 58-62.

With regard to claim 20, there is no need in Thornton for a first network device to send identifying signals to identify other devices on the PSTN. The system in Thornton assumes that devices on the PSTN are PSTN devices and devices on the data network are packet devices. There is no need to identify packet devices on the PSTN.

For these reasons, it is submitted that dependent claims 2-6, 9-10, 13, 15-20 are patentably distinguishable over the prior art and allowance of these claims is requested.

Claims 7 and 14 are rejected under 35 USC 103(a) as being unpatentable over Thornton in view of Sebestyen (US Patent No. 5,847,752). As discussed above in much detail, Thornton does not disclose all of the elements of the base claims 1 and 12. Whether Sebestyen discloses use of V.8 protocols is not relevant as neither reference, nor the combination thereof teaches a controller that transmits packet data across the PSTN without conversion. It is therefore submitted that claims 7 and 14 are patentably distinguishable over the prior art and allowance of these claims is requested.

Claims 8 is rejected under 35 USC 103(a) as being unpatentable over Thornton. As discussed in detail above, Thornton does not teach all of the elements of claim 1. Thornton does not teach a controller that transmits packet data across the PSTN, much less that it uses robbed-bit signaling. It is therefore submitted that claim 8 is patentably distinguishable over the prior art and allowance of this claim is requested.

No new matter has been added by this amendment. Allowance of all claims is requested. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

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Respectfully submitted,

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